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REMARKS/ARGUMENTS

In view of the foregoing amendments and the following remarks, the applicants respectfully submit that the pending claims comply with 35 U.S.C. § 101 and are not rendered obvious under 35 U.S.C. § 103. Accordingly, it is believed that this application is in condition for allowance. If, however, the Examiner believes that there are any unresolved issues, or believes that some or all of the claims are not in condition for allowance, the applicants respectfully request that the Examiner contact the undersigned to schedule a telephone Examiner Interview before any further actions on the merits.

The applicants will now address each of the issues raised in the outstanding Office Action.

Rejections under 35 U.S.C. § 101

Claims 28-47 and 56 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Specifically, the Examiner is interpreting the "means for" language recited in the claims as "software per se". The applicants respectfully request that the Examiner reconsider and withdraw this ground of rejection in view of the following.

Claims 28-47 and 56 have been amended to replace means-plus-function elements and to include at least one processor, at least one input/output interface unit and at least one storage device storing program instructions which, when executed by the at least one processor,

performs a method. This amendment is supported, for example, by Figure 8 and page 20, line 3 through page 21 line 10 of the present application.

In view of the foregoing amendments, claims 28-47 and 56, as amended, are directed to statutory subject matter. The applicants respectfully request that the Examiner reconsider and withdraw this ground of rejection.

Rejections under 35 U.S.C. § 103

Claims 1-20, 28-47, 55 and 56 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2004/0103024 ("the Patel publication") and U.S. Patent Application Publication No. 2004/0083133 ("the Nicholas publication"). The applicants respectfully request that the Examiner reconsider and withdraw this ground of rejection in view of the following.

Independent claim 1, as amended, is not rendered obvious by the Patel and Nicholas publications because neither publication, either taken alone or in combination, teaches or suggests, among other things, "a) for an ad to be served, automatically selecting one of a plurality of candidate ad landing pages associated with the advertiser;" "b) automatically assembling the ad to include a link to the selected ad landing page," and "d) tracking a performance of the ad in combination with the automatically selected ad landing page, such that, for the ad, a performance for each of the plurality of

candidate landing pages, linked from the ad when serving the ad, is separately tracked."

First, in rejecting claim 1, although the Examiner concedes that the Patel publication does not explicitly teach **automatically** selecting one of a plurality of ad landing pages, the Examiner contends that the Nicholas publication teaches:

automatically selecting an ad, at paragraph 116, as multiple advertisements are available and ads are selected based on round robin or randomly selected to target advertisement toward users based on geographic location or user profile.
[Emphasis added.]

(Paper No. 20080309, page 5) The applicants respectfully disagree.

As can be appreciated from the Examiner's comments, the portion of the Nicholas publication concerns the selection of **ads**, not ad landing pages. The applicants believe that the claims were improperly rejected using the Nicholas publication due to a confusion of "ads" and "ad landing pages". Regarding "ad landing pages", the present application states:

Online ads, such as those used in the exemplary systems described above with reference to Figures 1-3, or any other system, may have various intrinsic features. Such features may be specified by an application and/or an advertiser. These features are referred to as "ad features" below. For example, in the case of a text ad, ad features may include a title line, ad text, and **an embedded link**. In the case of an image ad, ad features may

include images, executable code, and an **embedded link**. Depending on the type of online ad, ad features may include one or more of the following: text, a link, an audio file, a video file, an image file, executable code, embedded information, etc. Ad features may include characteristics of the foregoing, such as a text font style (e.g., font type, size, color, etc.) **The embedded link may be a link to a landing page associated with the ad such that when a user selects the ad, the landing page is rendered to the user. This may be thought of as the user being "brought to" the landing page.** [Emphasis added.]

(Page 13, lines 3-16 of the present application) The present application further provides:

For example, if an ad is to be served (and the ad has more than one landing page), the landing page to be used is selected. (Block 520) The ad is then assembled. (Block 522) For example, **the assembled ad may include an ad creative and a link to the selected landing page.** The assembled ad is then served. [Emphasis added.]

(Page 17, lines 10-14 of the present application) Although different ads **might** have different landing pages in the Nicholas publication, this is not the same as **automatically selecting** one of a plurality of candidate **ad landing pages for an ad** to be served.

In addition, paragraph [0116] of the Nicholas publication concerns the selection of "all available advertisements for a web site and location combination." Consequently, this includes ads **from different advertisers**. The ad selection node 140 in the Nicholas

publication selects ads from a database of multiple advertisers and their associated ads in a round robin manner. Paragraph [0116] of the Nicholas publication does not teach or suggest automatically selecting one of a plurality of candidate **ad landing pages associated with a single advertiser**. To further clarify this feature, independent claim 1 has been amended to more clearly indicate that the plurality of candidate ad landing pages are all associated with the same advertiser.

Furthermore, in combining the Patel and Nicholas publications, the Examiner states:

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Patel with Nicholas to target advertisement toward users based on geographic location or user profile as described by Nicholas at paragraph 3.

(Paper No. 20080309, page 5) The applicants disagree and respectfully submit that the combination of the Patel and Nicholas publications is improper.

When considering the "motivation question", the issue is whether there is some teaching, suggestion, or motivation, or obvious reason to combine the references **to produce the claimed invention**. (See MPEP § 2143.01.) The Examiner's rationale does not support modifying the Patel publication as proposed by the Examiner to produce the claimed invention. Specifically, it does not matter whether or not one skilled in the art would have been motivated to "modify Patel with Nicholas to target advertisement toward users based on geographic location or user profile" as the Examiner contends. The issue is

whether one skilled in the art would have combined the Patel and Nicholas publications to produce a system for, among other things, "automatically selecting one of a plurality of candidate **ad landing pages** associated with the advertiser." Since there is no teaching, suggestion, or obvious reason to combine the Patel and Nicholas publications **to produce such a system**, the applicants respectfully submit that the combination of the Patel and Nicholas publications is improper.

Second, in rejecting claim 1, the Examiner contends that the Patel publication teaches automatically assembling the ad to include a link to a selected ad landing page. The Examiner cites paragraphs [0038], [0051] and [0187] of the Patel publication as teaching this feature. The applicants respectfully disagree.

Paragraph [0038] of the Patel publication discusses publisher review and selection of ad "offers", each offer being comprised of the ad creative and the price the advertiser is willing to pay for an action. Paragraph [0051] of the Patel publication provides that advertisers can test different creatives or try a variety of different incentive levels. This is not the same as selecting one of a plurality of candidate ad landing pages **for an ad** to be served and **automatically assembling the ad creative to include a link to the selected ad landing page**.

Furthermore, paragraph [0187] of the Patel publication concerns the automatic generation of **offers**. Paragraph [0187] of the Patel publication does not indicate that one of a plurality of candidate ad landing pages is selected and automatically assembled with an ad

to be served. The Patel publication describes a creative as "[t]he concept, design, and artwork that go into a given ad." (See the Patel publication, [0698].) In light of this description, paragraph [0187] of the Patel publication provides an example of three different creative designs ***which may all have the same landing page. Different landing pages in the Patel publication are not required.*** In addition, as the Examiner noted in the previous Office Action, in the Patel publication it is the advertiser that manually selects the target landing page and therefore the ads are manually assembled. (See Paper No. 20070904, page 2.)

Therefore, the cited portions of the Patel publication do not teach or suggest, among other things, "a) . . . automatically selecting one of a plurality of candidate ad landing pages associated with the advertiser" or "b) automatically assembling the ad to include a link to the selected ad landing page."

Finally, the Examiner cited paragraph [0104] of the Patel publication as teaching that the tracking of click-throughs and conversions for an ad is done in combination with the automatically selected ad landing page. However, paragraph [0104] of the Patel publication does not teach, among other things, that "for the ad, a performance for each of the plurality of candidate landing pages, linked from the ad when serving the ad, is separately tracked." That is, the Patel publication does not teach or suggest that performance information of the individual ad landing pages are separately tracked (and stored, and maintained).

As shown by element 480 of Figure 4 in the present application, the performance information is maintained on a *per ad landing page basis*. This advantageously facilitates the comparison of the performances of the plurality of candidate ad landing pages. Thus, the Patel publication does not teach or suggest this.

Thus, independent claim 1, as amended, is not rendered obvious by the Patel and Nicholas publications for at least the foregoing reasons. Since claims 4-12 directly or indirectly depend from claim 1, these claims are similarly not rendered obvious by the Patel and Nicholas publications.

Independent claims 13, 16, 19, 28, 40, 43, 46, 55 and 56, as amended, are not rendered obvious by the Patel and Nicholas publications for reasons similar to those discussed above with reference to claim 1. Since claims 14 and 15 depend from claim 13, since claims 17 and 18 depend from claim 16, since claim 20 depends from claim 19, since claim 29-39 depend from claim 28, since claims 41 and 42 depend from claim 40, since claims 44 and 45 depend from claim 43 and since claim 47 depends from claim 46, these claims are similarly not rendered obvious by the Patel and Nicholas publications.

In addition, independent claims 16 and 43, as amended, further recite "d) tracking a performance of the ad in combination with the automatically selected {ad landing page, ad serving criteria} combination, such that, for the ad, a performance for each of the plurality of {ad landing page, ad serving criteria} combinations, used when serving the ad, is separately tracked."

Ad serving criteria includes targeting keywords that are used to serve the ads. (See, e.g., page 21, line 24 through page 22, line 3.)

The Patel publication does not teach or suggest the use of serving or targeting constraints such as keywords. Therefore, the Patel publication does not teach or suggest, among other things, "tracking a performance of the ad in combination with the automatically selected (ad landing page, ad serving criteria) combination." The purported teachings of the Nicholas publication do not compensate for this deficiency.

Thus, claims 16 and 43, as amended, are not rendered obvious by the Patel publication for at least this additional reason.

Claims 5 and 32 depend from claims 1 and 28, respectively. Therefore, claims 5 and 32 are not rendered obvious by the Patel and Nicholas publications for at least the same reasons as discussed above. In addition, claims 5 and 32 further recite, among other things, "e) determining whether or not to automatically designate one of the plurality of candidate ad landing pages using a comparison of their respective performance and an auto designation policy; and f) automatically designating the one of the plurality of candidate ad landing pages if it was determined to designate it."

In rejecting claims 5 and 32, the Examiner cites paragraph [0203] of the Patel publication as teaching this feature. (See, Paper No. 20080309, page 6.) The applicants respectfully disagree.

In embodiments consistent with the claimed invention, it is determined whether or not the best

performing ad landing page is better than the others to such an extent that the landing page should be **designated** under an auto-designation policy. If so, the "best" performing ad landing page is designated for use in future serves of the ad. (See page 19, lines 13-17 and Figure 7 of the present application.)

The Patel publication does not teach or suggest that a landing page should be designated for use in ads served using a comparison of the respective performances of the ad landing pages and an auto-designation policy. Rather it describes accepting or discontinuing the use of the entire ad. The purported teachings of the Nicholas publication do not compensate for this deficiency.

Thus, claims 5 and 32 are not rendered obvious by the Patel and Nicholas publications for at least the foregoing reasons. Since claims 6 and 33 depend from claims 5 and 32, respectively, these claims are similarly not rendered obvious by the Patel and Nicholas publications for at least this additional reason.

Conclusion


In view of the foregoing amendments and remarks, the applicants respectfully submit that the pending claims are in condition for allowance. Accordingly, the applicants request that the Examiner pass this application to issue.

Any arguments made in this amendment pertain **only** to the specific aspects of the invention **claimed**. Any claim amendments or cancellations, and any arguments, are made **without prejudice to, or disclaimer of**, the applicants' right to seek patent protection of any unclaimed (e.g.,

narrower, broader, different) subject matter, such as by way of a continuation or divisional patent application for example.

Respectfully submitted,

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